

**REMARKS**

Claims 21-36 are pending in the application, and are rejected. Claim 21 is herein amended. No new matter has been entered. Claim 36 is herein canceled.

**Claim Rejections - 35 U.S.C. §112**

Claims 21-36 are rejected under 35 U.S.C. §112, first paragraph as containing subject matter which was not described in the specification at the time the application was filed. The Examiner asserts that there is no antecedent basis in the original disclosure for language “equal to or smaller than 1.334  $\mu\text{m}$ ”.

Applicants herein amend claim 21 to remove the claim limitation “equal to or smaller than 1.334  $\mu\text{m}$ ”. Applicants further import the limitation from claim 36 wherein the total thickness of said first and second semiconductor layers is 1.3 $\mu\text{m}$ .

**Claim Rejections - 35 U.S.C. §102(e)**

Claims 21-36 are rejected under 35 U.S.C. §102(e) as being anticipated by Svilans.

Applicants herein amend claim 21 to remove the claim limitation “equal to or smaller than 1.334  $\mu\text{m}$ ”. Applicants further import the limitation from claim 36 wherein the total thickness of said first and second semiconductor layers is 1.3 $\mu\text{m}$ .

Applicants note that claim 21 now includes the limitations of previously pending claim 37, which was indicated as allowable in the Office Action dated October 5, 2004. Applicants submit that all subsequent rejections of the subject matter of claim 37, now claim 21, have been overcome.

Application No. 09/873,264  
Attorney Docket No. 010726

Amendment under 37 C.F.R. §1.114  
Amendment Filed: November 29, 2005

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**



Kenneth H. Salen

Attorney for Applicants

Registration No. 43,077

Telephone: (202) 822-1100

Facsimile: (202) 822-1111

KHS/-